

Message Text

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TO SECSTATE WASHDC PRIORITY 1557

AMEMBASSY SAN SALVADOR PRIORITY

C O N F I D E N T I A L SECTION 1 OF 2 BUENOS AIRES 5581

ARA FOR ASST. SECRETARY TODMAN; DEPT. FOR D/HA;
SALVADOR FOR HUMAN RIGHTS COORDINATOR DERIAN

E.O. 11652: GDS

TAGS: PINS, PINT, SHUM, AR

SUBJECT: THE HUMAN RIGHTS SITUATION

REF: BUENOS AIRES 4442

THIS REPORT IS TO PRESENT TO YOU, PREPARATORY TO YOUR
VISITS HERE, THE PRESENT STATE OF HUMAN RIGHTS
OBSERVANCES IN ARGENTINA.

1. SUMMARY: STANDARD OPERATING PROCEDURE OF ARGENTINE
AUTHORITIES IN THE COUNTER-SUBVERSION BATTLE CONTINUES TO
INVOLVE SERIOUS VIOLATIONS OF HUMAN RIGHTS, INCLUDING
TORTURE AND SYSTEMATIC ELIMINATION OF SERIOUSLY COMPROMISED
TERRORISTS. HOWEVER, STEPS HAVE BEEN TAKEN TO LESSEN
ABUSES AND "MISTAKES" AND TO IMPROVE AND HASTEN THE
RESOLUTION OF CASES INVOLVING LESS IMPLICATED SUBVERSIVE
SUSPECTS. THAT IS DISTURBING IS THE APPARENTLY INCREASING
USE OF VIOLENCE AND ILLEGAL COUNTER-TERRORIST TECHNIQUES BY
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OPPORTUNISTIC GROUPS WITHIN SECTORS OF THE MILITARY AND
SECURITY FORCES AGAINST PERSONS FOR INTERNAL POLITICAL PURPOSES
NOT DIRECTLY CONNECTED TO THE FIGHT AGAINST SUBVERSION. ABUSES
AGAINST VICTIMS OF THESE POLITICAL MACHINATIONS WOULD NOT REFLECT
A UNIFIED GOVERNMENT POLICY OF REPRESSION SO MUCH AS THE INABILITY
OF MODERATE FORCES TO CONTROL MORE BRUTAL ELEMENTS OF THE SECURITY
FORCES FROM EXPLOITING THEIR REPRESSIVE POWERS FOR INTERNAL

POLITICAL ENDS. END SUMMARY.

2. METHODS EMPLOYED BY ARGENTINE AUTHORITIES IN THE COUNTER-SUBVERSION CAMPAIGN CONTINUE TO INVOLVE ROUTINE VIOLATIONS OF HUMAN RIGHTS. PERSONS CONTINUE TO BE ABDUCTED BY UNIDENTIFIED GROUPS, SERIOUSLY COMPROMISED TERRORISTS ARE SYSTEMATICALLY ELIMINATED FOLLOWING INTERROGATIONS AND/OR IN REPORTED CONFRONTATIONS WITH SECURITY FORCES, AND SUSPECTS ARE STILL SUBJECTED TO PROLONGED DETENTION WITHOUT FORMAL CHARGES AND HARSH TREATMENT INCLUDING TORTURE. AS THE WAR AGAINST TERRORISM RAPIDLY WINDS DOWN, HOWEVER, THE STANDARD USE OF THIS KIND OF ABUSE SHOULD DIMINISH CORRESPONDINGLY.

3. STEPS HAVE ALREADY BEEN TAKEN TO LESSEN THE MORE BLATANT ABUSES. THE GOVERNMENT HAS BEGUN TO PROVIDE SPECIAL TREATMENT AND REDUCED SENTENCES FOR PERSONS WITH MARGINAL SUBVERSIVE CONNECTIONS WHO VOLUNTARILY SURRENDER TO AUTHORITIES. GREATER NUMBERS OF DETAINEES ARE BEING CHARGED UNDER ARGENTINE LAW AND CONSEQUENTLY ARE BEING REMOVED FROM EXECUTIVE (PEN) CUSTODY UNDER STATE OF SIEGE PROVISIONS AND PLACED UNDER THE JURISDICTION OF FEDERAL OR MILITARY COURTS. THIS CHANGE DOES NOT NECESSARILY RESULT IN SIGNIFICANTLY IMPROVED TREATMENT OR PRISON CONDITIONS BUT IT DOES MEAN THAT THE CASE IS ON ITS WAY THROUGH ARGENTINA'S LEGAL AND MILITARY JUSTICE SYSTEMS, HOWEVER SLOW, INEFFICIENT AND STERN THEY MAY BE. OTHER CASES ARE BEING RESOLVED WITH THE PRISONER EITHER BEING GRANTED FULL RELEASE OR AUTHORIZATION TO CONFIDENTIAL

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LEAVE THE COUNTRY.

4. VARIOUS SOURCES HAVE REPORTED OTHER NEWLY ESTABLISHED GOVERNMENT DIRECTIVES TO REDUCE EXCESSES AND LESSEN "MISTAKES" IN THE COUNTER-SUBVERSION BATTLE. INCLUDING A CENTRALIZED, COMPUTERIZED INFORMATION RETRIEVAL SYSTEM TO FACILITATE RAPID IDENTIFICATION OF SUBVERSIVE SUSPECTS AND A REQUIREMENT FOR HIGH-LEVEL PRIOR MULTIPLE CLEARANCES ON COUNTER-SUBVERSIVE OPERATIONS AND ARRESTS. PRESIDENT VIDELA HAS REPORTEDLY INSISTED THAT PERSONS CHARGED WITH ECONOMIC CRIMES BE PROCESSED THROUGH THE NORMAL JUDICIAL SYSTEM AND NOT ARBITRARILY ARRESTED AND HELD UNDER STATE OF SIEGE PROVISIONS. SINCE THE GRAIVER CASE WAS ASSIGNED TO A MILITARY COURT FOR FURTHER PRELIMINARY INVESTIGATION AND THE ALUAR CASE TO A FEDERAL COURT JUDGE, THERE HAVE BEEN NO BLATANT CASES OF ILLEGAL ARRESTS AND INCOMMUNICADO DETENTION OF PERSONS SUSPECTED OF PURELY ECONOMIC CRIMES.

5. A DISTURBING ELEMENT, HOWEVER, IS THE APPARENT INCREASING RESORT TO VIOLENCE AND ABUSE OF INDIVIDUAL RIGHTS FOR INTERNAL POLITICAL PURPOSES NOT DIRECTLY CONNECTED TO THE FIGHT AGAINST TERRORISM. THE DISAPPEARANCE LAST WEEK OF ARGENTINE AMBASSADOR TO VENEZUELA, HECTOR HIDALGO SOLA, ALMOST CERTAINLY IS WITHIN

THIS CATEGORY AND IS NOTORIOUS. THE UNSOLVED ABDUCTION OF LABOR LEADER OSCAR SMITH LAST FEBRUARY, THE ALUAR CASE, THE GRAIVER CASE IN PART, AND THE RECENT ABDUCTION OF AT LEAST SOME OF THE LAWYERS IN MAR DEL PLATA (SEE BUENOS AIRES 5217) ARE PROBABLY ALSO MORE LIKELY ATTRIBUTABLE TO INTERNAL ARGENTINE HIGH LEVEL POLITICS THAN TO WAR AGAINST SUBVERSION. ANOTHER EXAMPLE IS TREATMENT BEING ACCORDED LA OPINION EDITOR JACOBO TIMERMAN, WHO AFTER HAVING BEEN ABDUCTED, SUBJECTED TO HARSH INTERROGATION METHODS, AND FINALLY CHARGED UNDER STATE OF SIEGE PROVISIONS FOR ECONOMIC CRIMES IN APRIL, WAS RECENTLY TRANSFERRED TO AN UNDISCLOSED LOCATION IN THE PROVINCE OF BUENOS AIRES WHERE HE IS AGAIN BEING HELD INCOMMUNICADO (EXCEPT FOR A SHORT VISIT WITH HIS FAMILY IN A PROVINCIAL POLICE STATION--SEE BA 5410.) THESE PERSONS APPEAR TO FIT IN A DIFFERENT
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CATEGORY--THAT OF "POLITICAL PAWNS", VICTIMS OF OPPORTUNISTIC AND UNSCRUPULOUS CONTENDERS IN THE HARDLINE-MODERATE STRUGGLE CURRENTLY TAKING PLACE WITH THE MILITARY GOVERNMENT.

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6. GIVEN THE LIMITED AND CONFLICTING INFORMATION AVAILABLE ON THESE CASES AND THE ARGENTINE PENCHANT FOR RUMOR AND DEFENSIVE SELF-JUSTIFICATION, IT IS DIFFICULT TO CONFIRM THE TRUE MOTIVE AND GROUP RESPONSIBLE FOR MANY OF THESE MORE PUBLICIZED INCIDENTS. VARIOUS INDEPENDENT SOURCES HAVE TOLD EMBOFFS THAT THE RECENTLY DISAPPEARED MAR DEL PLATA LAWYERS WERE PROBABLY

ABDUCTED BY ELEMENTS OF THE NAVY, WHICH IS VERY STRONG IN THE MAR DEL PLATA AREA. OF THE EIGHT LAWYERS, SOME ALLEGEDLY HAD CONNECTIONS WITH THE "PERONIST ARMED FORCES"--A LEFTIST GROUP DEFUNCT SINCE THE EARLY 1970'S--AND THEIR ABDUCTION COULD FALL WITHIN OPERATIONS IN THE COUNTER-SUBVERSION CAMPAIGN. YET THE RELATIVELY PASSIVE BACKGROUNDS OF MOST OF THE LAWYERS AND THE ATYPICAL TECHNIQUES INVOLVED GIVE THE INCIDENTS A FLAVOR OF A BRAZEN WARNING WITH POLITICAL OVERTONES. SEVERAL SOURCES ALSO SUGGEST THE NAVY WAS RESPONSIBLE FOR THE DISAPPEARANCE OF AMBASSADOR HIDALGO SOLA IN CENTRAL BUENOS AIRES. (DAO COMMENT: WE ARE ALSO AWARE OF THE ARGENTINE NAVY'S REPUTATION FOR INDEPENDENT INTELLIGENCE AND COUNTER-SUBVERSIVE ACTIONS. WE DO NOT BELIEVE HOWEVER THAT THERE IS EVIDENCE THAT THE NAVY ENGINEERED THE HIDALGO SOLA DISAPPEARANCE.) FROM THESE TANGLES OF MOTIVATION AND UNCERTAINTIES OF FACT THERE DOES EMERGE ONE THEORY WHICH IS WIDELY ACCEPTED BY ARGENTINES--
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AND BY THIS EMBASSY--IN A GENERAL SENSE IF NOT THROUGH CASE BY CASE DETERMINATIONS: THERE IS, IN ADDITION TO THE WAR BETWEEN TERRORISTS AND GOVERNMENT FORCES, YET ANOTHER SKIRMISH ZONE OF INTERSERVICE AND INTRASERVICE RIVALRY AND A WILLINGNESS OF GOVERNMENTAL ELEMENTS TO USE VIOLENT AND IRREGULAR MEANS TO DISCREDIT OTHERS. IN THIS SKIRMISH ZONE THE LEADERS OF THE SERVICES ARE BOTH TARGETS AND POSSIBLE INSTIGATORS, AND THE USE OF APPARENTLY INNOCENT PAWNS--AS HIDALGO SOLA SEEMS TO HAVE BEEN--INTRUDES ITSELF INTO AN ALREADY COMPLEX "HUMAN RIGHTS" SITUATION.

7. COMMENT: WHILE THE MOTIVE AND PERPETRATORS BEHIND SOME OF THE ABDUCTION AND MURDER CASES MAY DIFFER, THE PRESENCE OF SERIOUS VIOLATIONS OF HUMAN RIGHTS AT THE HANDS OF ESSENTIALLY GOVERNMENT AUTHORITIES REMAINS THE SAME. TO SUM UP: HARSH TREATMENT AND SYSTEMATIC ELIMINATION IS THE UNCONTESTED FATE OF SERIOUSLY COMPROMISED TERRORISTS; UNEVEN THOUGH GENERALLY MORE CAUTIOUS TREATMENT AND EVENTUAL RESOLUTION OF CASES THROUGH THE COURT SYSTEM, RELEASE OR AUTHORIZATION TO LEAVE THE COUNTRY IS BECOMING MORE ROUTINE FOR LESS SERIOUSLY IMPLICATED SUBVERSIVES. METHODS USED IN BOTH OF THESE CATEGORIES REFLECT ROUTINE AND FAIRLY UNIFIED GOVERNMENT POLICY. "MISTAKES" AND EXCESSIVE BRUTALITY ARE WHOLLY POSSIBLE BUT ARE PERHAPS SOMEWHAT LESS THAN LIKELY THAN IN THE PAST. PERSONS LONG DISAPPEARED ARE MORE AND MORE LIKELY TO HAVE BEEN KILLED, EITHER BECAUSE THEY WERE FOUND TO HAVE "BLOOD ON THEIR HANDS" OR BECAUSE THEIR FADING USEFULNESS AS

INFORMANTS RECOMMENDS THEIR ELIMINATION.

8. AS FOR THE VICTIMS OF INTERNAL POLITICAL
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MACHINATIONS, ABUSES IN THESE CASES WOULD NOT REFLECT
A UNIFIED GOVERNMENT POLICY OF REPRESSION SO MUCH AS
THE INABILITY OF MODERATE (LESS BRUTAL, MORE
INTERNATIONALLY SENSITIVE) FORCES TO CONTAIN MORE
VICIOUS AND OPPORTUNISTIC ELEMENTS AMONG THE MILITARY
AND POLICE.
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